

### **REMARKS**

Applicants submit this Amendment in response to the Office Action dated February 6, 2008. In this Amendment, Applicants amend claims 4 and 15, cancel claims 5, 11, 14, and 19-25, and request reconsideration of previously-withdrawn claims 3, 6-10, 12, and 13. Applicants respectfully submit that no new matter has been submitted. After entry of this Amendment, claims 1, 3, 4, 6-10, 12, 13, and 15-18 remain pending.

In the Office Action:

- (a) The Examiner rejected claims 4, 5, and 14-18 under 35 U.S.C. §112, ¶2, as being indefinite;
- (b) The Examiner rejected claim 4 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,147,665 to Bryan et al. ("Bryan");
- (c) The Examiner rejected claim 18 under 35 U.S.C. 103(a) as being unpatentable over Bryan; and
- (d) The Examiner stated that claim 1 is allowed and claims 5 and 14-17 would be allowable if rewritten in independent form.

### **Examiner Interview**

As a preliminary matter, Applicants thank the Examiner for the courtesy of the telephonic interview on March 5, 2008, with the Applicants' undersigned representative. The content of this Amendment is consistent with that which was discussed during the interview.

### **Rejects Under 35 U.S.C. §112**

Applicants amend claim 4 to improve clarity and to obviate the rejection under 35 U.S.C. §112, ¶2.

In particular, claim 4 was amended to recite, "each part of each of the two prosthesis elements having a first face for fixing to a respective one of the first or second fixing element" from "each part of each of the two prosthesis elements having a first face for fixing to a respective one of the two vertebra." Applicants respectfully submit that this amendment overcomes the specific rejection to claims 4 and 5.

Further, claim 4 was amended to recite similar subject matter of previously presented claim 5. Applicants respectfully submit that this amendment overcomes the

rejections of claims 17 and 18, which depend from claim 4, because claim 4 now provides the necessary antecedent basis for "the cooperation faces," "the fixing elements," "each anchoring face," and "each fixing element."

Applicants respectfully request the Examiner to withdraw his rejections to the claims under 35 U.S.C. § 112, ¶2.

**Rejections Under 35 U.S.C. §§102 and 103**

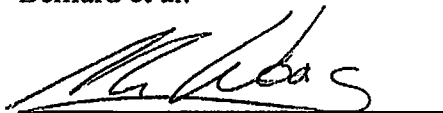
Applicants amend claim 4 to substantially include the subject matter of claim 5. Accordingly, Applicants respectfully submit that claim 4 is allowable, as well as claims 15-18, which depend from claim 4.

Also in this amendment, previously withdrawn claims 3, 6-10, 12, and 13 have been resubmitted for consideration. Because these claims depend from generic and allowed claim 1, Applicants respectfully submit that these claims are also allowable.

In summary, Applicants respectfully submit that the application is in condition for allowance, including pending claims 1, 3, 4, 6-10, 12, 13, and 15-18.

The Examiner is invited to contact the undersigned at the phone number indicated below with any questions or comments, or to otherwise facilitate expeditious prosecution of the application.

Respectfully submitted,  
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